

AMENDED IN SENATE JULY 1, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2817**

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**Introduced by Assembly Member Torrico**

February 22, 2008

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An act to add Section 8688 to the Government Code, relating to disaster assistance.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2817, as amended, Torrico. Disaster assistance: California Fire Warning Assistance Act of 2008.

Existing law, the California Disaster Assistance Act, authorizes the Director of Emergency Services to allocate funds, as specified, to local agencies for disaster-related expenses.

This bill would enact the California Fire Warning Assistance Act of 2008. ~~The bill would require the Office of Emergency Services, in consultation with the Department of Forestry and Fire Protection (CAL-FIRE), to issue a fire weather warning when ideal conditions exist for wildland fire ignition and propagation. The bill would authorize a local agency, as defined, to apply to the Director of Emergency Services for reimbursement for eligible personnel costs, as defined, it incurred during a fire weather warning with there imbursement made from funds appropriated by the Legislature, to authorize the Office of Emergency Services and the Department of Forestry and Fire Protection (CAL-FIRE), during a specified fire warning issued by the National Weather Service, to request a local agency to preposition fire apparatus and personnel to assist in the initial attack of a potential wildfire in a~~

*state responsibility area, as defined. It would require the local agency to be reimbursed according to specified criteria, from funds appropriated to the office in the annual Budget Act or other statute. The bill would make various findings and declarations by the Legislature concerning wildfire disasters in the state.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) This act shall be known and may be cited as  
2 the California Fire Warning Assistance Act of 2008.
- 3 (b) The Legislature finds and declares all of the following:
- 4 (1) In 2003, California experienced the most catastrophic  
5 firestorm in living memory, and only four years later, in 2007, the  
6 state again experienced devastating fire losses.
- 7 (2) There is no such thing as “fire season” in California any  
8 longer, given that our state’s fire danger runs all year, and  
9 unprecedented demands are made on California’s emergency  
10 response system, with the risk to life and property greater than  
11 ever before.
- 12 (3) The increased risk of catastrophic wildfires throughout this  
13 state results in unplanned releases of air pollutants that adversely  
14 affect air and water quality, soil stability, and populations of  
15 sensitive and endangered fish and wildlife species and their habitat,  
16 and also significantly impacts state efforts to reduce greenhouse  
17 gases by large, uncontrolled emissions of carbon dioxide and other  
18 greenhouse gases caused by wildfires.
- 19 (4) When disaster strikes, California’s fire agencies become one  
20 fire department as every fire agency takes part in the state’s  
21 response.
- 22 (5) While nearly every county in California faces the challenge  
23 of development encroaching on rural and wildland areas, some  
24 counties face multiple risks, including fires, floods, mudslides,  
25 earthquakes, and terrorism.
- 26 ~~(6) A fire weather warning highlights the onset of critical~~  
27 ~~weather conditions conducive to extensive wildfire occurrences.~~  
28 ~~A fire weather warning issued by the Office of Emergency Services~~  
29 ~~becomes a critical statement for firefighting agencies, which often~~  
30 ~~must alter their staffing and equipment resources dramatically to~~

1 accommodate the forecasted risk. During these warning periods,  
2 local governments are faced with prioritizing scarce resources to  
3 provided staffing required for mutual aid strike team responses;  
4 as well as to maintain adequate staffing within their jurisdictions  
5 to ensure appropriate local protection.

6 (7) Ultimately, these risks are felt statewide, with the effects on  
7 local government having a statewide effect, including the adverse  
8 economic impact to the entire state. As a result, the state has a  
9 responsibility to invest in the adequate protection of its  
10 communities.

11 (8)

12 (6) California cannot afford another catastrophic firestorm. Bold  
13 steps must be taken this year to strengthen ongoing fire protection  
14 and prevention services and to protect the lives, property, and  
15 economic vitality of this state.

16 SEC. 2. Section 8688 is added to the Government Code, to  
17 read:

18 8688. (a) The Office of Emergency Services, in consultation  
19 and coordination with CAL-FIRE, shall, as fire threat conditions  
20 warrant, issue a fire weather warning in a geographical area where  
21 conditions are ideal for wildland fire ignition and propagation.

22 (b) Under conditions of a fire weather warning, a local agency  
23 may preposition fire apparatus and personnel in consultation and  
24 cooperation with the Office of Emergency Services and CAL-FIRE  
25 in order to adequately prepare for the appropriate initial attack of  
26 a potential wildfire.

27 (c) (1) A local agency shall be reimbursed from funds  
28 appropriated to the Office of Emergency Services by the  
29 Legislature in the annual Budget Act or other statute in an amount  
30 that is equal to the eligible personnel costs submitted by the local  
31 agency for the period during which a fire weather warning was  
32 issued by the Office of Emergency Services and communicated  
33 to the local agency by the geographical area coordinator for the  
34 local agency's jurisdiction. Reimbursement pursuant to this section  
35 shall be for eligible personnel costs incurred by the local agency  
36 in connection with a state-authorized declaration of a fire weather  
37 warning applicable to the local agency's jurisdiction. Any

38 8688. (a) During a Red Flag Warning issued by the National  
39 Weather Service, the Office of Emergency Services and the  
40 Department of Forestry and Fire Protection may request a local

1 *agency to preposition fire apparatus and personnel to assist in the*  
2 *initial attack of a potential wildfire in a state responsibility area,*  
3 *as defined in Section 4202 of the Public Resources Code.*

4 (b) (1) *The local agency shall be reimbursed in an amount that*  
5 *is equal to the eligible personnel costs submitted by the local*  
6 *agency for the period in which the personnel were prepositioned.*  
7 *The local agency shall be reimbursed from funds appropriated to*  
8 *the Office of Emergency Services in the annual Budget Act or other*  
9 *statute. Any reimbursement provided for by this section shall be*  
10 *in addition to, and shall not supplant, any reimbursement a local*  
11 *agency may be eligible for under the California Fire Service and*  
12 *Rescue Mutual Aid Plan and the California Assistance Agreement.*

13 (2) *Notwithstanding any other provision of law, no funds from*  
14 *the Disaster Assistance Fund shall be expended to reimburse a*  
15 *local agency for its eligible personnel costs, as described in*  
16 *paragraph (1).*

17 ~~(d)~~

18 (c) *A local agency shall apply to the director for reimbursement*  
19 *under this section no later than 60 days after the date of the*  
20 *issuance of a fire weather warning for the local agency's*  
21 *jurisdiction.*

22 ~~(e)~~

23 (d) *Claims made pursuant to this section shall be filed in*  
24 *accordance with regulations adopted pursuant to Section 8682.9*  
25 *by the Office of Emergency Services, and reimbursement shall be*  
26 *processed by the Office of Emergency Services in accordance with*  
27 *Section 8682.8.*

28 ~~(f)~~

29 (e) *The following definitions apply for the purposes of this*  
30 *section:*

31 (1) *"Eligible personnel costs" means the actual cost incurred*  
32 *by a local agency for staffing each piece of fire apparatus that is*  
33 *in service with one additional firefighter during any 24-hour shift*  
34 *when a fire weather warning has been issued for that local agency's*  
35 *jurisdiction.*

36 ~~(2) "Fire weather warning" means a forecast warning issued by~~  
37 ~~the Office of Emergency Services, in consultation and cooperation~~  
38 ~~with CAL FIRE, to warn firefighting and land management~~  
39 ~~agencies for the jurisdictions included in the areas for which the~~

1 ~~fire weather warning was issued that conditions are ideal for~~  
2 ~~wildland fire ignition and propagation.~~

3 ~~(3)~~

4 (2) “Local agency” means a local agency as defined in this  
5 chapter and that also meets both of the following requirements:

6 (A) Is a signatory to the Master Mutual Aid Agreement as  
7 defined in Section 8561.

8 (B) Maintains 24-hour staffing on all fire apparatus that are in  
9 service.

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